

In re Application of: Abraham AHARONI et al
Serial No.: 10/501,252
Filed: February 23, 2005
Office Action Mailing Date: April 5, 2010

Examiner: Helene C. BOR
Group Art Unit: 3768
Attorney Docket: 35459

is such a general inventive concept, which distinguishes claim 1 from the prior art in DE2412690. In the absence of additional prior art which anticipates present claim 1 or makes it obvious, there should be no need to elect a species of Group I at all.

The applicant submits that species 6, non-uniform absorption characteristics, should be considered a sub-species of species 28, and that claims 27, 28, 62-66, and 80, which read on species 6, also read on elected species 28. In all of these claims, the absorbing region is non-uniform along the axis of the waveguide, and a single non-uniform absorbing region could be considered a plurality of adjacent absorbing regions with different absorption characteristics, arranged along the axis of the waveguide. That the plurality of absorbing regions in claim 77 need not be spaced apart is apparent from page 21, lines 29-32, of the specification, which refers to a “uniformly varying absorption profile...approximated by a discrete series of individual absorbers, each with a possibly uniform absorption profile and adjacent or spaced apart,” showing that even adjacent absorbing regions may be considered a plurality of absorbing regions.

The applicant also submits that it is not reasonable to allow the election of only a single species, when some of the 29 species listed are directed to very different aspects of the invention. For example, species 6 and 28, as well as several other species, are directed to the distribution of the absorbing regions and their absorption characteristics, while species 8 and 9 are directed to the material which the absorber comprises, and species 10 and 11 are directed to the number of waveguides. The applicant submits that it would be more reasonable to allow the election of one species for each of these aspects of the invention. If this is allowed, the applicant wishes to elect species 8 and 10, in addition to species 28.

The following claims read on each of the species listed. The remaining independent and dependent claims in Group I are all generic, including, among others, claims 71, 72, 76, and 81-83, which are listed in the Office Action as reading on some of the species. The applicant respectfully disagrees with the Examiner's characterization of those claims as reading on any of the species, since it is not

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apparent which species they would read on. The applicant also notes that the Office Action lists claim 120 as reading on a species, but believes that this is a typographic error for claim 122, since claim 120 is an independent claim and is also listed in the Office Action as being generic. The applicant also submits that claims 105 and 106, the only claims that read on species 20 and 21, are both in Group III, not in Group I, so species 20 and 21 should not be listed among the species of Group I at all.

Species 1: claims 16, 19

Species 2: claims 17, 18

Species 3: claim 22

Species 4: claim 23

Species 5: claim 24

Species 6: claims 27, 28, 62-66, 80

Species 7: claims 26, 61, 79

Species 8: claim 29

Species 9: claim 30

Species 10: claim 42

Species 11: claim 44

Species 12: claim 47

Species 13: claim 48

Species 14: claims 54, 112

Species 15: claims 55, 114

Species 16: claims 56, 121

Species 17: claims 57, 122

Species 18: claim 85

Species 19: claim 86

Species 20: claim 106

Species 21: claim 105

Species 22: claim 115

Species 23: claim 116

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Species 24: claim 37

Species 25: claim 38

Species 26: claim 75

Species 27: claims 73, 74

Species 28: claim 77

Species 29: claim 78

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In view of the above, the application is in condition for allowance. A prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,

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Enclosures:

- Petition for Extension (5 Months)